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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/000,485	12/04/2001	Osamu Tsujii	35.G2950	9623

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EXAMINER	
HAMZA, FARUK	

ART UNIT	PAPER NUMBER
2155	

MAIL DATE	DELIVERY MODE
07/27/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/000,485	TSUJII ET AL.	
	Examiner	Art Unit	
	Faruk Hamza	2155	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *16 May 2007*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *12-24* is/are pending in the application.

4a) Of the above claim(s) *1-11 and 25-31* is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *12-24* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

1. This action is responsive to the communication filed on May 16, 2007. Claims 1-11 and 25-31 have been withdrawn from further consideration pursuant to 37 CFR 1.142(b), as being drawn to a nonelected species, there being no allowable generic or linking claim. Applicant timely traversed the restriction (election) requirement in the reply filed on May 16, 2007. Claims 12-24 are pending.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

2. Claims 12-24 are rejected under 35 U.S.C. 102(e) as being anticipated by Lo et al. (U.S. Patent Number 6,031,818) hereinafter referred as Lo.

Lo teaches the invention as claimed including a system for correcting errors in the transmission of data packet between a source and a receiver. The source sends data packets to the client unit and server unit. The system uses the client and the server unit to send a repaired packet stream to a receiver when an error is detected (abstract).

As to claim 12, Lo teaches an information processing apparatus for processing a data stream inputted via a network, comprising:

an input unit for inputting a data stream via a network (Fig. 1, Column 3, lines 26-Column 4, lines 23, Lo discloses input unit to input data stream);

an interrupted-stream storage unit for storing an interrupted stream generated by interrupting the data stream (Fig. 1, Column 3, lines 26-Column 4, lines 23, Lo discloses generating interrupted data stream);

an interrupt information storage unit for storing interrupt information associated with the interrupted stream (Column 4, lines 24-Column 5, lines 47, Lo discloses storing interrupted information); and

an output unit for output the interrupted stream stored in the interrupted-stream storage unit, in response to a request for outputting the data stream (Fig. 1, Column 3, lines 26-Column 4, lines 23, Lo discloses output unit),

wherein said interrupt information is at least one of a compression ratio, a signal-to-noise ratio, an amount of data, and a number of layers of said data stream (Column 4, lines 24-Column 5, lines 47, Lo discloses interrupted stream).

As to claim 13, Lo teaches an information processing apparatus according to claim 12, wherein the output unit inputs a partial data stream following the interrupted stream via the input unit (Fig. 1, Column 3, lines 26-Column 4, lines 23).

As to claim 14, Lo teaches an information processing apparatus according to claim 12, further comprising a setting unit for set or update the interrupt information, wherein the output units inputs a partial data stream following the interrupted stream via the input unit, in accordance with the interrupt information updated by the setting unit, and generates a new interrupted stream from the interrupted stream stored in the interrupted-stream storage unit and the partial data stream (Fig. 1, Column 3, lines 26-Column 4, lines 23).

As to claim 15, Lo teaches an information processing apparatus according to claim 12, wherein the output unit outputs the interrupt information together with the interrupted stream (Fig. 1, Column 3, lines 26-Column 4, lines 23).

Claims 16-19 do not teach or define any new limitations other than above claims 12-15. Therefore, rejected for similar reasons.

As to claim 20, Lo teaches an information processing apparatus for processing a data stream inputted via a network, comprising:

an input unit for inputting a data stream via a network (Fig. 1, Column 3, lines 26-Column 4, lines 23, Lo discloses input unit to input data stream);

an analysis unit for analyzing the data stream inputted via the input unit (Fig. 1, Column 3, lines 26-Column 4, lines 23, Lo discloses analyzing data stream);

a generating unit for, in accordance with an analysis result made by the analysis unit, interrupt input of the data stream via the input unit and generating an interrupted stream from the data stream (Fig. 1, Column 3, lines 26-Column 4, lines 23, Lo discloses generating interrupted data stream);

an interrupted-stream storage unit for storing the interrupted stream generated by the generating unit (Fig. 1, Column 3, lines 26-Column 4, lines 23, Lo discloses generating interrupted data stream);

an interrupt information storage unit for storing interrupt information associated with the interrupted stream (Column 4, lines 23-Column 5, lines 37, Lo discloses storing interrupted information); and

an output unit for outputting the interrupted stream and the interrupt information to an external apparatus connected to the network (Fig. 1, Column 3, lines 26-Column 4, lines 23, Lo discloses outputting unit),

wherein in said analysis, at least one of a compression ratio, a signal-to-noise ratio, an amount of data, and a number of layers of said data stream is employed as an analysis condition (Column 4, lines 23-Column 5, lines 37, Lo discloses analysis condition).

As to claim 21, Lo teaches an information processing apparatus according to claim 20, further comprising a setting unit for set or update a reference value indicating said analysis condition of the analysis unit, wherein the analysis unit analyzes the data stream inputted via the input unit, with respect to the reference value (Column 4, lines 23-Column 5, lines 37).

Claims 22-24 do not teach for define any new limitations other than above claims 20-21. Therefore, rejected for similar reasons.

3. **Examiner's Note:** Examiner has cited particular columns and line numbers in the references as applied to the claims above for the convenience of the applicant. Although the specified citations are representative of the teachings of the art and are applied to the specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested from

the applicant in preparing responses, to fully consider the references in its entirety as potentially teaching of all or part of the claimed invention, as well as the context.

Response to Arguments

4. Applicant's arguments have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Faruk Hamza whose telephone number is 571-272-7969. The examiner can normally be reached on Monday through Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Saleh Najjar can be reached at 571-272-4006. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you

have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 886-217-9197 (toll –free).

Faruk Hamza

Patent Examiner

Group Art Unite 2155

SALEH NAJJAR
SUPERVISORY PATENT EXAMINER